

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO et al.,

Debtors.¹

PROMESA
Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

ORDER STAYING CARLOS LAMOUTTE’S MOTION FOR LEAVE TO
FILE A MOTION REQUESTING THE ENTRY OF AN ORDER PROVIDING
FOR THE DISCOVERY OF EVIDENCE AND RESERVATION OF RIGHTS

The Court has received and reviewed *Carlos Lamoutte’s Motion for Leave to File a Motion Requesting the Entry of an Order Providing for the Discovery of Evidence and Reservation of Rights* (Docket Entry No. 22779 in Case No. 17-3283)² (the “Discovery Motion”), filed by Carlos Lamoutte (“Movant”).

The Discovery Motion seeks entry of an order permitting Movant to “file a motion petitioning the Court for entry of an order providing for the discovery of evidence in relation to certain pleadings” filed by Movant, including (i) the *Motion to Intervene and to Inform the Existence and Continuance of an Unresolvable Conflict of Interest in Violation of the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 U.S.C. 2101 et seq.*, and *Petition for: (A) the Permanent Disqualification of O’Neill & Borges, LLC as Legal Counsel to the Financial Oversight and Management Board for Puerto Rico*, and (B) the *Disallowment and*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² All docket entry references herein are to the docket of Case No. 17-3283.

Disgorgement of Legal Fees (Docket Entry No. 20873) (the “O&B Motion”), and (ii) the *Motion to Intervene and to Inform the Existence and Continuance of Unresolvable Conflicts of Interest in Violation of the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 U.S.C. 2101 et seq., and Petition for: (A) the Permanent Disqualification of McKinsey & Company, Inc. and Its Affiliates as Advisors to the Financial Oversight and Management Board for Puerto Rico, and (B) the Disallowment and Disgorgement of Legal Fees* (Docket Entry No. 22025) (the “McKinsey Motion” and, together with the O&B Motion, the “Disqualification Motions”).

The Court previously set briefing schedules with respect to each of the Disqualification Motions and advised the parties that it would take the Disqualification Motions on submission. Interested parties filed objections to the Disqualification Motions arguing, among other things, that Movant lacks standing to prosecute the Disqualification Motions. Movant filed replies in further support of each of the Disqualification Motions. Accordingly, the Disqualification Motions are now fully briefed and under consideration by the Court.

Although the Discovery Motion contends that the relief sought by Movant would aid in the “speedy resolution of” the Disqualification Motions (Discovery Mot. ¶¶ 3, 7), the already-filed objections to the Disqualification Motions raise substantial threshold legal issues concerning the Court’s jurisdiction and Movant’s standing with respect to the Disqualification Motions. The resolution of those issues is likely to be pertinent to the adjudication of the Discovery Motion. As such, in the exercise of its reasoned discretion and in the interests of efficiency and judicial economy, the Court hereby stays the Discovery Motion pending the Court’s consideration of the Disqualification Motions.

SO ORDERED.

Dated: November 3, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge